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Several pages are devoted to an endeavor to minimize the meaning of Mr. Justice Holmes' declaration in the Oklahoma Bank case that the police power extends, generally speaking, to all great public needs, as viewed by a strong and preponderant opinion. He points out that such an opinion "could not be ascertained to exist by the vote of a majority of the electorate composed of 25 per cent. of the entire population; that is, by one-eighth of the entire people" (p. 228). This argument is not so strong now as it was a year ago.

The volume is full of sound reasoning and clear statement. It would, however, have been improved if a few of the minor papers included in it had been omitted.

New Haven, Connecticut.

SIMEON E. BALDWIN

Constitutional Convention Bulletins—Illinois, 1920. Compiled and published by the Legislative Reference Bureau, Springfield, Illinois, 1920. pp. xxxiii, 1224.

This volume contains the bulletins issued by the Legislative Reference Bureau of Illinois for the information of members of the Illinois Constitutional Convention of 1920. The Bureau is expressly charged with the preparation of the bulletins by the legislature, a testimonial to the value of its work from those legislators whom it had served, something which is worth bringing to the attention of law-makers who have not yet been convinced of the utility of such bureaus. The bulletins contain texts of the various Illinois constitutions, with suggestions which have been made for changes in the separate articles of the present instrument, a general statement of the procedure and problems of the convention, studies of the executive, legislative, and judicial departments, and special examinations of important questions involved in constitutional amendments, such as state and local finance, municipal home rule, county and local government, and the short ballot.

The bulletins are evidently not intended as exhaustive treatises, but as aids to men engaged in a special task, the drafting of a new constitution for Illinois. They are very properly rather suggestive of present difficulties and of possible solutions, and are for that reason the more useful for the purpose for which they are prepared. The references to the cases and to books of reference indicate the way to members who desire further information.

The provisions of former Illinois constitutions and of the existing one are treated analytically and historically, and the difficulties raised in the state by the application of those provisions are set forth, whether arising from the provisions themselves or from the interpretation placed upon them by the courts.

The importance of careful drafting, both to express clearly the intention of the Convention and to avoid the many pitfalls dug by the courts to catch the unwary constitution-maker, are emphasized throughout the reports, especially on page 12, and pages 579 and 847. So much of a modern state constitution consists in limitations on the power of the legislature, either express or as a result of construction of the courts, that the discussion of this subject is particularly interesting. The result of these limitations has been that the legislature is seriously hampered in a time of economic and social change in its task of adjusting the law to the new conditions, and the inclusion of much detail in state constitutions rendered inevitable. The much vaunted "simple constitution" on broad lines is only possible if the courts will construe its provisions liberally, so as to set free the legislative power. The transformation of the ship of state from 1818, when the first constitution of Illinois was adopted, through the constitutions of 1848 and 1870 to the present time, and the consequent need of a new set of rules for its government, is strikingly shown in the statement that the appropriations for the cost of government for the biennium 1873-74 was \$6,648,187, while for the two years 1919-20 it amounted to \$63,436,059, "due largely to the increase in functions during the last half century" (p. 628). As vessels have changed during the last

century from sailing ships, manned throughout by sailors, to great modern steamships with their complicated machinery and diversified crews of machinists, stokers, deckhands, so Illinois has developed from an agricultural to an industrial community where even the farmer uses power machinery, and the members of the crew of the ship of state instead of being principally independent farmers, have become a highly diversified population of many classes each with special economic interests. The result has been a constant necessity for change in the old rules with an increasing fear, on the part of the propertied class, of legislative action. It is the growing impatience with these patch-work changes in constitutions which has caused the call for constitutional conventions, and the limitations on the power of the legislature are at least of equal importance with the antiquated system of state government, as causes of irritation.

From the similarity of the constitutions and economic developments in American states, it results that similar questions to those before the convention of Illinois will arise in most of the states, so that though a reader outside of Illinois must always turn to his own constitution as construed by the courts and the legislature, to see whether a particular difficulty arises or suggested solution should be applied, this practical and not too technical manual will stimulate and inform him.

J. P. CHAMBERLAIN

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Equity, Missouri Edition: An Analysis and Discussion of Modern Equity Problems, with Notes on Missouri Cases. By George L. Clark. Columbia, E. W. Stephens Publishing Co., 1920. pp. lii, 793.

This is the same work which appeared about a year ago, with the addition of a "Missouri Appendix" comprising upwards of 150 pages of notes of Missouri decisions, grouped under the appropriate sections of the text, together with an index of Missouri cases.

The author states in his preface that his purpose is to present, analyze, and discuss various equity problems, and that he has not sacrificed space for the mere accumulation of authorities. In his arrangement of the subdivisions of his subject, he has closely followed the late Dean Ames's casebooks on equity and trusts, and indeed the text is very largely a discussion of the decisions found in these casebooks. On one occasion Professor Clark appears to have been led into error by this practice, for he borrows from Ames's *Cases in Equity Jurisprudence* the case of *Howard v. Kimball* (1871) 65 N. C. 175, which he cites (sec. 115) as authority for the proposition that "where the purchase money note or notes recite that they are given for purchase money [of land], this is notice to any transferee of the notes of the purchaser's equitable claim to get specific performance, so that if good title to the land cannot be made, the transferee cannot enforce the notes," without calling attention to the fact that this decision has been repudiated in its own state [*Bank of Sampson v. Hatcher* (1909) 151 N. C. 359, 66 S. E. 308] and seems to be opposed to the usual common law rule, [*Dollar Savings & Trust Co. v. Crawford* (1911) 69 W. Va. 109, 70 S. E. 1089], as well as to sec. 3 of the Negotiable Instruments Law [see Norton, *Bills and Notes* (4th ed. 1914), 47-48; 8 C. J. 120]. In general, however, the text is accurate, clear and concise. A notable feature is the frequent citation of valuable articles and editorial notes found in various legal periodicals. The book will doubtless prove a highly useful work to law students, if not to those in active practice.

The Appendix of Missouri decisions, so far as the reviewer can judge, is both accurate and complete. It should undoubtedly be of great value to Missouri practitioners, particularly to those who in their student days have become familiar with the main work.